



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/580,763	04/16/2007	Frank C. Dachille	8095-15 US	1247

7590  
Frank Chau, Esq.  
F. Chau & Associates  
130 Woodbury Road  
Woodbury, NY 11797

07/09/2008

EXAMINER

BITAR, NANCY

ART UNIT	PAPER NUMBER
----------	--------------

2624

MAIL DATE	DELIVERY MODE
-----------	---------------

07/09/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/580,763

Applicant(s)

DACHILLE ET AL.

Examiner

NANCY BITAR

Art Unit

2624

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period **will** apply and **will** expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply **will**, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments, in the amendment filed 04/09/2008, with respect to the rejections of claims 1-8 under 35 U.S.C. 103(a) have been fully considered but are moot in view of the new ground(s) of rejection necessitated by the amendments. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Bitter et al (US 2005/0228250).
2. Claims 1 and 3-5 have been amended, and claims 9-12 have been added.
3. Claims 1-12 are pending.

### **Examiner Notes**

4. Examiner cites particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 2624

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

6. Claims 1-12 are rejected under 35 U.S.C. 102 (a) as being anticipated by Bitter ET al (US 2005/0228250).

As to claim 1, Bitter et al teaches a method for processing image data, comprising:

obtaining formatted image data; automatically extracting meta-data from fields of the image data ( 11-16, figure 1, note that The control panes comprise a segmentation pane having buttons that enable automatic segmentation, paragraph [0007])); automatically processing the meta-data to identify a target object ( processing application tool, 18, figure 1); automatically classifying and labeling medical volumetric features of the image data using a set of information-based directives corresponding to the identified target (ii) single click classification into similar tissue groups; and (iii) labeling, coloring, and selectively displaying components, which provides a convenient way to arbitrarily combine the display of different components, paragraph [0042-0046])); automatically measuring pertinent features of the image data according to a specified protocol responsive to the directives (The segmentation module is interoperable with the annotation (measuring) module to provide width, height, length volume, average, max, std deviation, etc of a segmented region, paragraph [0041]); and automatically generating one or more composite images of the target object with corresponding labels and feature measurements based on one or more of the directives ( figure 7 and paragraph [0095-0097]); and automatically storing the one or more generated images in a digital archive (The GUI module (30) receives and stores configuration data from database (35), paragraph [0038]).

Art Unit: 2624

As to claim 2, Bitter et al. teaches the method of claim 1, wherein the image data comprises DICOM-formatted image data (A medical imaging device generates a 2D image dataset comprising a plurality of 2D DICOM-formatted images (slices) of a particular anatomical area of interest (step 27), figure 2)

As to claim 3, Bitter teaches the method of claim 2, wherein automatically processing the meta- data comprises processing the meta-data in DICOM fields to identify the target object ( DICOM server, see figure 2). Bitter et al teaches The GUI module (30) receives and stores configuration data from database (35). The configuration data comprises meta-data for various patient studies to enable a stored patient study to be reviewed for reference and follow-up evaluation of patient response treatment, paragraph [0038])

As to claim 4, Bitter et al. teaches method of claim 1, wherein automatically classifying and labeling medical volumetric features of the image data comprises segmenting the target object using processing parameters specified by one or more of the directives (an interactive Segmentation module provides a function for classifying and labeling medical volumetric data (paragraph [0041], note that the 3D model (33) comprises an original CT volume dataset (33a) and a tag volume (33b) which comprising a volumetric dataset comprising a volume of segmentation tags that identify which voxels are assigned to which segmented components, paragraph [0039],figure 15).

Claims 5-8 differ from claims 1-4 only in that claims 1-4 are method claims whereas, claims 5-8 are a system claim. Thus, claims 5-8 are analyzed as previously discussed with respect to claims 1-4 above.

Claims 9-12 differ from claims 1-4 only in that claims 1-4 are method claims whereas, claims 9-12 are computer claim. Thus, claims 9-12 are analyzed as previously discussed with respect to claims 1-4 above.

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NANCY BITAR whose telephone number is (571)270-1041. The examiner can normally be reached on Mon-Fri (7:30a.m. to 5:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on 571-272-7453. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2624

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrew W. Johns/  
Primary Examiner, Art Unit 2624

Nancy Bitar

07/03/2008